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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/361,413	07/27/1999	MITSUO NIIDA	35.C13685	5490

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

VILLECCO, JOHN M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 06/06/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/361,413

Applicant(s)

NIIDA ET AL.

Examiner

John M. Villecco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 15-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-14 and 20-24 in Paper No. 6 is acknowledged.
2. Claims 15-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

Specification

3. The disclosure is objected to because of the following informalities:
 - On page 13, line 20, applicant recites the phrase "Fig. 31". This phrasing is unclear. It appears that the applicant meant to use the phrase – Fig. 32 –, since channels chA and chB are found in Figure 32.
 - On page 14, line 3, applicant recites the reference number "3150". It appears that this is a typographical error and that the applicant meant to use the reference number – 3105 –.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 20-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka et al. (U.S. Patent No. 6,100,812).

6. Regarding *claim 20*, Tanaka discloses a method for satisfactorily controlling electronic equipment from a remote location without useless processing. The system includes a computer (13) connected via IEEE-1394 serial bus (15) to the camcorder (12). The camera (12) serves as the target having an image pickup unit. The computer (13) serves as the controller for remote operating the camera. The IEEE-1394 serial bus (15) serves as the data line that supports a first and second communication mode. As shown in column 6, lines 15-35, Tanaka discloses the ability to communicate in both an isochronous communication mode (first communication mode) and an asynchronous communication mode (second communication mode). The asynchronous mode is used to transfer control commands to the target. Furthermore, Tanaka discloses that functional commands are sent to the camera in order to control the camera remotely. Since Tanaka discloses the ability to control the camera remotely, it is inherent that the image from the camera is regulated according to the control commands. See column 7, line 38 to column 8, line 29. Finally, Tanaka discloses that the video data is transmitted using isochronous communication and the control commands are transmitted using the asynchronous communication (col. 6, lines 17-23).

7. *Claim 21* is analyzed and discussed with respect to claim 20. Claim 21 is considered substantively similar to claim 20. Please see the discussion of claim 20 above.

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8. **Claim 22** is analyzed and discussed with respect to claim 20. Claim 1 is considered substantively similar to claim 20. Please see the discussion of claim 20 above.
9. **Claim 23** is analyzed and discussed with respect to claim 20. Claim 23 is a more broad interpretation of claim 20. Please see the discussion of claim 20 above.
10. **Claim 24** is analyzed and discussed with respect to claim 20. Claim 24 is considered substantively similar to claim 20. Please see the discussion of claim 20 above.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (U.S. Patent No. 6,100,812) in view of Suga et al. (U.S. Patent No. 6,313,875).**

13. Regarding **claim 1**, Tanaka discloses a method for satisfactorily controlling electronic equipment from a remote location without useless processing. The system includes a computer (13) connected via IEEE-1394 serial bus (15) to the camcorder (12). The camera (12) serves as the target having an image pickup unit. The computer (13) serves as the controller for remote operating the camera. The IEEE-1394 serial bus (15) serves as the data line that supports a first and second communication mode. As shown in column 6, lines 15-35, Tanaka discloses the ability to communicate in both an isochronous communication mode (first communication mode) and an asynchronous communication mode (second communication mode). The asynchronous

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mode is used to transfer control commands to the target. Furthermore, Tanaka discloses that functional commands are sent to the camera in order to control the camera remotely. See column 7, line 38 to column 8, line 29. Finally, Tanaka discloses that the video data is transmitted using isochronous communication and the control commands are transmitted using the asynchronous communication (col. 6, lines 17-23).

Tanaka, however, fails to specifically disclose a control command for setting a predetermined area in an image. Suga, on the other hand, discloses an apparatus for remotely controlling a camera that allows a user to select a desired area within an image in which to control processing. More specifically, the system includes a plurality of cameras (2, 7, 12) and a plurality of terminals (3, 8, 13). A user at one of the terminals is capable of controlling any of the cameras. As shown in Figure 5, the user is capable of selecting any of the inputs and controlling the image from the camera using the menu (105). Furthermore, as shown in Figure 12A-12D, the user is able to select a range within the image and displaying the range selected by the user. See column 10, lines 18-44. The user can then set any one of an exposure, focus, or white balance according to the selected area of the image. The user is able to form an image based on the white balance of the selected area thus, forming a better image. Therefore, it would have been obvious to one of ordinary skill in the art to remotely control a camera by selecting an area within an image in which to control the processing of the image so that a high quality image is formed.

14. As for *claim 2*, Suga discloses that the area is a rectangular area.

15. With regard to *claim 3*, after selecting the area within the image, Suga discloses the ability to adjust the image signal according the data within the selected area. Inherently, a

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second control signal would have to be sent to the camera in order for the white balance to be controlled. It would have been obvious to transmit the command akin to the transmitting of commands taught by Tanaka.

16. Regarding **claim 4**, Tanaka discloses that STATUS commands are commonly used to inquire a status related to the specific function of the communication target. See column 3, lines 29-31. It would have been obvious to implement the status command of Tanaka to inquire a state of the area set in Suga so that it can be determined what the status of the area is and processing can be set to account for the status of the area which is to adjust the image based upon the selected area.

17. As for **claim 5**, Tanaka discloses that the signals are transmitted using time division multiplexing (col. 6, line 17).

18. With regard to **claim 6**, Tanaka discloses that an isochronous communication packet is transmitted earlier than an asynchronous communication packet. This denotes that the isochronous communication mode (first communication mode) has a higher priority than the asynchronous communication mode. See column 1, lines 57-58.

19. Regarding **claim 7**, Tanaka discloses that the isochronous communication occurs each communication cycle (col. 1, lines 56-57).

20. As for **claim 8**, Tanaka discloses that the first communication mode is an isochronous communication mode and the second communication mode is an asynchronous communication mode. See column 6, lines 15-30.

21. With regard to **claim 9**, Tanaka discloses that one of the targets is a video tape recorder integrated with a camera (col. 6, lines 5-6).

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22. Regarding **claim 10**, Tanaka discloses that the data line is an IEEE-1394 serial bus (col. 6, line 10).

23. **Claim 11** is analyzed and discussed with respect to claim 1. Claim 11 is considered a more broad representation of claim 1. Please see the discussion of claim 1 above.

24. **Claim 12** is analyzed and discussed with respect to claim 1. Claim 12 is considered substantively similar to claim 1. Please see the discussion of claim 1 above.

25. **Claim 13** is analyzed and discussed with respect to claim 1. Claim 13 is considered a method claim representation of claim 1. Please see the discussion of claim 1 above.

26. **Claim 14** is analyzed and discussed with respect to claim 1. Claim 14 is considered substantively equivalent to claim 1. Please see the discussion of claim 1 above.

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Endsley et al. (U.S. Patent No. 6,005,613) and Kobayashi et al. (U.S. Patent No. 6,323,906) disclose that communication between a camera and processor is commonly performed using an isochronous and asynchronous mode, wherein the isochronous mode is used for images and the asynchronous mode is used for control commands.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

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(703) 308-6306 (For either formal or informal communications intended for entry. For informal or draft communications, please label "**PROPOSED**" or "**DRAFT**")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service desk whose telephone number is (703) 306-0377.



JMV
5/19/03



WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600